Mr. C.A. Kunjunni Raja's Cochin Land Registration Amendment Bill.

Mr. C. A. Kunjunni Raja.—Sir, I move that the Cochin Land Registration Amendment Bill be read in Council.

Mr. N. Padmanabha Menon.—Sir, I second it.

Mr. C. A. Kunjunni Raja.—The objects and reasons are sufficiently long and exhaustive, and I do not think I can usefully add anything more to what is contained there. The object of the Bill is to change the method of collection of Land Reveune. The present practice is that the tenants pay the Land Revenue to the landlords, and the landlords pay it to the Government. My proposal is, instead of this circuitous course, the Government may be directed to collect this tax direct from the tenants. There is absolutely no attempt to increase the liability of the tenant by a single pie. The practice prevailing till the Revenue Settlement was that the tax was collected from the persons in possession. It was at the time of the Settlement that *pattas* were issued to landlords, and they were made liable for the payment. The difficulty is, whether the landlord was able to collect or not, he had to pay the tax at the appointed time. Otherwise, his movable or immovable property will be attached. So a man who really collects the produce is left scot-free, and he may wait on for any length of time. It is only to remove that difficulty that this Bill is introduced. It follows essentially the lines of the Madras Act I of 1920, in force in British India. To know the difficulties of the landlords, with your indulgence, Sir, I will read a petition which was submitted to the benign Government by the Manager of the Paliyam Estate. You are all doubtless aware that Paliyam is the biggest landlord in Cochin ; still Paliyam finds it very difficult to pay the revenue in time. I shall not trouble you with all the passages there. I will read only the necessary extract. The difficulties in the management of the Paliyam Estate are referred to in the earlier portion of the petition, and then it continues.—

"This does not complete the dismal picture. While you are struggling to recover your dues and fighting against odds, you have the Government's revenue law close at your heels, demanding prompt payment of the tax, no matter whether you succeed or not in recovering your dues from your own tenants. While the landlord has to wade through the complicated machinery of a law-court and a very laborious and ruinously expensive process extending over years, he has to be on the alert to protect himself against the operation of the swift and speedy process of the Government revenue laws.

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That means that the landlord has to pay his dues to the Government *on the spot* and *at the appointed time*, but has to shift for himself and deal with his tenants as best he can. The position of the landlord has thus become anything but enviable, and unless he has in reserve an inexhaustible fund, he is sure to go under, sooner or later, as many landlords have already found to their cost."

This is the experience of Paliyam, the biggest landlord in Cochin. The smaller men, the other landlords, are put to greater difficulties, because they cannot command even so much funds. It is only to remove these difficulties that this Bill is introduced.

I have come across two objections. Perhaps that printed paper might have been circulated among you also. The one is that, unless you make your *Panayam* tenure, which is prevalent in Cochin-Kanayannur Taluk, irredeemable, this legislation is not to be carried through. I cannot really understand the connection between the two. To make *Panayam* irredeemable is a wide question. It depends upon the amendment of the Cochin Tenancy Regulation, and I think it is quite a different subject. It should not be introduced into this matter at all. The other objection is in the case of *Kychits* in which provision is made that the landlord should pay the tax; it would be very hard, if you collect the tax again from the tenant. In such cases registration will be refused, and there is ample provision made under the proviso to section 4 to refuse registration in such cases. These are the two objections brought to my notice, and I think, on a close reasoning it will be found that it cannot affect this Bill. With these words, I place the subject before you for consideration. I may preface that I am prepared to move for a Select Committee in the matter.

Mr. C. Achyuta Menon.—Sir, I second the motion.

There are some additions to be made to it. If it is referred to a Select Committee, all those points can be urged by those interested in it. The tenant's point of view, I speak of, and from the tenant's point of view, I find it will be a great inconvenience to many tenants to pay assessment direct to the Government.

President.—That was the practice before the Settlement.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Sir, so far as this Bill is concerned—I am not going into details—it is not free from mistakes and defects. Indeed, we have to make several additions and subtractions. So far as the general prin-

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ciple is concerned, the Government accept the general principle. As to details, how that legislation has to be drafted and as to additions and subtractions as the Hon'ble the mover of the Bill suggested, and as the same was duly seconded, if we refer it to a Select Committee, that motion may be carried.

Mr. K. S. Rama Ayyar.—Sir, in the matter of the Land Registration Amendment Bill now under the consideration of the Council, I have to present to the Council a petition from the tenants of some villages in the Cochin-Kanayannur Taluk. The petition comes from the villages of Mulanturutti, Amballur, Tekkumbhagam, etc., and signed by 85 representatives of their Agricultural Associations. The mover of the Bill has received a copy of it, but he said that the objections are not tenable. It may be. But, in the petition they say that they have grievances.

President—Mr. Rama Ayyar, you are opposing the motion?

Mr. K. S. Rama Ayyar.—No, Sir, I am presenting the petition.

President.—That may be considered by the Select Committee.

Mr. K. S. Rama Ayyar.—But, Sir, the petition has to be presented.

Mr. N. Padmanabha Menon.—Under the rules, he is entitled to present the petition at this stage.

Mr. K. S. Rama Ayyar.—I am entitled to make a statement of the particulars in the petition. They say that they have grievances about the way in which permanancy of tenures was fixed by the Tenancy Regulation and the way in which it is being interpreted. Then, owing to the registration of lands in the Jenmi's name, and consequent upon the Jenmies being made primarily responsible for the Land Revenue assessment, the Jenmies have taken the amount of assessment into account in raising the *Michavaram*, and there are several cases in which there is no specific mention made of the assessment.

If the present Bill is passed, they fear that the amount of assessment will come in as an additional burden on them.

Mr. C. A. Ouseph.—Certainly not.

Mr. K. S. Rama Ayyar.—That is another question. They, therefore, pray that the provisions of this Bill may be considered along with the proposed revision of the Tenancy Regulation.

President.—But, Mr. Rama Ayyar, if they are to pay assessment, will not the Jenmi reduce that from the *Michava-*

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Mr. K. S. Rama Ayyar.—I am sorry I am not in a position to answer these questions now.

President.—The Jenmi has undertaken to pay assessment, and the tenant has undertaken to pay *Michavaram*. Instead of the Jenmi paying the assessment, the tenant is made to pay the assessment. He must get credit for it.

Mr. K. S. Rama Ayyar.—Between the landlord and the tenant the grievances are many, and they are many more than men in your position can conceive of. They will all come to light, when the tenants are given freedom to represent their grievances in the proper way.

Mr. N. Padmanabha Menon.—A point of order, Sir. Under Standing Order 62, the Member has not done everything that is required before presenting the petition. As no discussion is allowed, we are entitled to know these things.

Mr. C. A. Ouseph.—The prayer was not read.

President.—Have you given the number of signatures ?

Mr. K. S. Rama Ayyar.—Yes, Sir.

President.—The number of signatures, the material allegations, and the prayer have been stated. What else has he to do ?

Mr. C. A. Ouseph.—We do not know whether it is for the total rejection of the Bill or for a modification of it.

Mr. O. R. Chummar.—He stated the prayer, but did not read the prayer.

President.—Is there any objection for you to read it, Mr. Rama Ayyar ? Should you not comply with the condition of reading the prayer ?

Mr. K. S. Rama Ayyar.—The prayer is not contained entirely in the last paragraph. I will have to read the whole petition. That will be troublesome. It has been circulated among all the Members. However, I will read the last paragraph.

"സഭയിലെ ഭൂരിപക്ഷമായി ഒരു കമ്മിറ്റിയാൻ പ്രതിനിധിയെ സഭയിൽ നിയമിച്ച് കമ്മിറ്റിയുടെ റിപ്പോർട്ട് സ്വീകരിച്ച് കമ്മിറ്റിക്കാരുടെ മേല്പറഞ്ഞ ദോഷങ്ങൾ പരിഹരിച്ച് സഭയിൽ പാസ്സാക്കണമെന്നും അതിനു മേൽ ഈ ബില്ലിനേപ്പറ്റി ഗണിക്കേണ്ടതാണെന്നും ഞങ്ങൾ ആദരപൂർവ്വം അപേക്ഷിച്ചുകൊള്ളുന്നു."

President.—Does any other Member want to contribute to the discussion ? We can speak on the principle.

Mr. Chakko Cheruvattur.—Sir, I rise to oppose the motion for the introduction of the Bill as it stands. But since the Hon'ble Member has no objection to referring it to a Select Committee, many alterations, additions and omissions that

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have to be made according to me may be made by the Select Committee.

President.—You have no objection to the principle of the Bill. If you have got all the additions and amendments, you can accept the principle of the Bill, which means there is no opposition to the motion.

Mr. Chakko Cheruvattur.—The principle of the Bill also is not acceptable, and will not be acceptable to the tenant population of the State.

President.—Then, you oppose it ?

Mr. Chakko Cheruvattur.—The relation between Jenmi and tenant was not begun to-day or yesterday. It began years ago, and there are ever so many kinds of documents executed such as *Pattolokaranam, Kychit, Panayam* and all that sort of thing. Stipulations for the payment of tax in these documents are different in different documents. In certain documents there will be no stipulation at all. The Chief Court has held favourably to the tenant that, when there is no stipulation, and in the absence of a long-standing custom, under certain conditions, the tenant is not liable to pay the tax to the Jenmi. Now, these things are left to be decided by the Revenue authorities in a summary way by the proviso to section 4 :—

"Provided that, before ordering joint registration as aforesaid, the Diwan Peishkar shall give notice to the tenure-holder, and consider his objections, which shall be decided by such summary inquiry as the Diwan Peishkar thinks fit."

The Chief Court decision by which the tenant is benefited is taken away by this Regulation.

Mr. C. A. Kunjunni Raja.—Section 5 gives the right of suit.

Mr. Chakko Cheruvattur.—Of course, there are already plenty of suits by Jenmies against tenants. We do not want additional suits. We want to lessen suits, as far as possible. And then, in many cases where the tenant pays to the Sirkar, and where the Jenmies refuse to give credit to it in the *Michavaram*, the tenant has to sue the Jenmi, which is generally shirked by all *Kudiyans*.

Mr. C. A. Ouseph.—A provision can be made that it should not be allowed as in the Madras Act.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—There is, I believe, provision for this in the Madras Act; but the tenant will not be in a position to sue the Jenmi as matters stand, because the Jenmi is often a very big man and the tenant a very poor man, and it will leave the tenant to subject himself to the powers of the Jenmi. There are so many other points

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also to be considered. I have no objection to have the Bill referred to a Select Committee.

President.—So then, there is no opposition? We shall put the motion to votes.

The motion, that the Cochin Land Registration Amendment Bill moved by Mr. C. A. Kunjunni Raja and duly seconded be read in Council, was put to votes and carried.

Mr. T. K. Krishna Menon.—The title of the Bill is "The Cochin Land Registration Amendment Bill".

Mr. C. A. Kunjunni Raja.—I move that the Bill be referred to a Select Committee consisting of Messrs. C. A. Ouseph, N. Padmanabha Menon, Chakko Cheruvattur, K. S. Rama Ayyar, V. K. Kochunni Menon, Dr. A. R. Menon and K. Sankaran Nambudiri.

President.—Who are the official Members?

Mr. C. A. Kunjunni Raja.—The names need not be mentioned. There is a rule that the Government Member in charge and the mover of the Bill shall be members of the Committee. I may also suggest the name of Mr. M. K. Raman as a member of the Select Committee.

President.—As the motion is not opposed by the House, I shall put the motion to votes.

Mr. T. K. Krishna Menon.—I have to say a word, Sir. Under Standing Order 33, the other members of the Committee shall be named by the Council, when the motion that the Bill be referred to a Select Committee be made or at any subsequent stage.

President.—There is a rule that the mover can specify the members. It is open to the Council now to name the members. I am putting the motion now, and if the members want to propose any change in the composition of the members, they may do so. Of course, the mover has the right to name the members.

Mr. T. K. Krishna Menon.—We have got any number of Select Committees. We cannot appoint something like 10 or 14 members to each. These large committees are not workable. Secondly the T. A. bills come to tall figures. The lesser the number of members, I think, the more efficient will be the work turned out. I simply bring this matter before the House.

Dr. A. R. Menon.—I have a suggestion that, when committees are appointed, a penalty clause should also be included for members who, after becoming members, refuse to be present at the meetings of the committees.

President.—What is it that you say?

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Dr. A. R. Menon.—To have a compact committee, it would be a very good thing, if we can introduce some measure by which these members could be made to attend its meetings. I can show you any number of committees where members are not present.

President.—So what I understand is that you nominate a large number of persons to the committee so that we may have the necessary quorum to work up the committee. What is the rule about the quorum ?

Mr. V. K. Kochunni Menon.—It is more than half.

Mr. C. A. Kunjunni Raja.—For your information I may state for the Select Committee to look into amendments to Standing Orders, the minimum fixed is 9. If the present amendment to Standing Orders is accepted by the Government, then the mover too will also be a Member. So the number comes to ten. So I took ten to be the least number.

President.—This thing has to be said that Members who are appointed members of the committee, are bound to attend the committee meetings. Of course, for some reason or other, a member may not find it convenient to attend the meeting. Such cases must be few. The members should be present at all the meetings, as far as possible.

Mr. T. A. Ramachandra Ayyar.—Sir, if one Member happens to be a member of 3 or 4 committees, what could he do ?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I am a member of half a dozen committees. I find much difficulty to be present at all the committee meetings.

President.—What do you say, Mr. Aravindaksha Menon? You too are a member of several committees. The Economic Development Committee has appointed sub-committees also. So you have to attend several committees. All Heads of Departments expect a certain increase in the amount of work.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Yes. We do not grudge that.

Dr. A. R. Menon.—What I say is, it is what is taking place. If you restrict the number to 4, there will not be the necessary quorum.

President.—I know instances where persons have to be sent to bring members for purposes of constituting a quorum. Even for the annual meetings of some institutions we have to get members in this way.

Mr. A. B. Salem.—Everywhere it is the same case. I attended a meeting in Madras. There they had to send for the members to fill up the benches and seats.

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Mr. C. Achyuta Menon.—In the rules, there is a provision for appointing an additional member, if a member neglects his work.

President.—I suppose these remarks may be borne in mind by the members of committees hereafter, and when the members read out the names of members that may be appointed in the Select Committee. As to the number, I leave it to the option of the Council. But do you think, Mr. Kunjunni Raja, that there should be 9 members?

Mr. C. A. Kunjunni Raja.—There is no rule in regard to that, so far as Select Committee rules are concerned.

President.—The matter is not a serious one. We do not take up much time for coming to the decision. The number may be reduced. It is left to the Members.

Mr. C. A. Kunjunni Raja.—If any future occasion arises, I shall be very careful. In this case I do not think it will be fair to reduce the number of Members.

The motion of Mr. C. A. Kunjunni Raja was put to votes and carried.

President.—I appoint the Revenue Member as Chairman of the Select Committee.

Mr. N. Padmanabha Menon.—Sir, I move that the Select Committee be directed to submit its Report within one month from this date.

Dr. A. R. Menon.—Sir, I beg to second it.

President.—I suppose that the period is sufficient.

Mr. N. Padmanabha Menon.—The Diwan has power to extend the time.

President.—We shall see that the Report comes in the next meeting which may probably be in the early part of Kumbham.

The motion that the Select Committee be directed to submit its Report within one month was put to votes and carried.

Mr. C. A. Kunjunni Raja's Banker's Books Evidence Bill.

Mr. C. A. Kunjunni Raja.—Sir, I beg to move for leave to introduce the Banker's Books Evidence Bill.

Mr. S. F. Nunez.—Sir, I beg to second it.

Dr. A. R. Menon.—The principle to be adopted by this House is that leave to introduce almost all Bills must be given. At the first stage, we should not bring in any objection whatever.

Mr. S. F. Nunez.—I give my full support to the suggestion.

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